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## SENATE BILL No. 180

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-38-2.6.

**Synopsis:** Community corrections for certain OWI offenses. Allows a court to order a person who is convicted of a felony for operating a vehicle while intoxicated (OWI) and who has two prior unrelated convictions for operating a vehicle while intoxicated to be placed in a community corrections program under certain circumstances.

**Effective:** July 1, 2005.

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January 4, 2005, read first time and referred to Committee on Judiciary.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 180

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-38-2.6-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as  
3 provided in subsection (b), this chapter applies to the sentencing of a  
4 person convicted of:

5 (1) a felony whenever any part of the sentence may not be  
6 suspended under IC 35-50-2-2 or IC 35-50-2-2.1; or

7 (2) a misdemeanor whenever any part of the sentence may not be  
8 suspended.

9 (b) This chapter does not apply to persons convicted of any of the  
10 following:

11 (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.

12 (2) Any of the felonies listed in IC 35-50-2-2(b)(4), **except for**  
13 **IC 35-50-2-2(b)(4)(Q). A person who is convicted of a felony**  
14 **under IC 9-30-5 and to whom IC 35-50-2-2(b)(4)(Q) applies is**  
15 **eligible for placement in a community corrections program**  
16 **under the conditions set forth in section 3.5 of this chapter.**

17 SECTION 2. IC 35-38-2.6-3.5 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. A court may order a person**  
3 **who is convicted of a felony under IC 9-30-5 and to whom**  
4 **IC 35-50-2-2(b)(4)(Q) applies to be placed in a community**  
5 **corrections program under section 3 of this chapter if the court**  
6 **determines at the time of sentencing that:**  
7 (1) placement in a community corrections program will more  
8 adequately allow for the treatment and rehabilitation of the  
9 person than commitment to the department of correction; or  
10 (2) commitment to the department of correction will result in  
11 an undue hardship on the person or the dependents of the  
12 person.

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